

10-12-01

Sector /\$

Attorney Docket No. 01149/HG

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant(s): Yuki ABE et al

Serial No. : 09/836,705

Filed : April 17, 2001

For : GENES FROM A GENE
CLUSTER

Art Unit : 1645

FILING MISSING DECLARATION UNDER
37 CFR 1.53(f)

Assistant Commissioner for Patents

S I R :

The NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION - FILING DATE GRANTED dated October 9, 2001 (copy
enclosed), specified that the Oath or Declaration had been
omitted and required that it be filed within two months from
October 9, 2001, the mailing date of said NOTICE.

Enclosed herewith is the executed Declaration dated May 31,
2001. Please enter it in the file of the above-identified
application.

Please apply the enclosed check in the amount of \$130.00 as
the surcharge for filing the Declaration on a date later than the
filing date of the application.

"Express Mail Mailing Label
No.: EL 797383786 US
Date of Deposit: October 11, 2001
I hereby certify that this paper is
being deposited with the United
States Postal Service "Express Mail
Post Office to Addressee" service
under 37 CFR 1.10 on the date
indicated above and is addressed to
the Assistant Commissioner for
Patents, Washington, D.C. 20231

Francine E. Smith

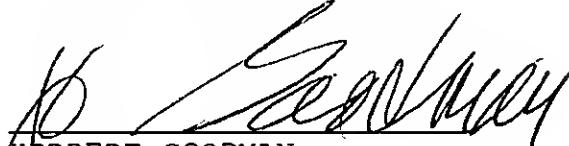
Francine E. Smith

In the event that this Paper is late
filed, and the necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition for the
requisite extension of time, and to
the extent not tendered by check
attached hereto, authorization to
charge the extension fee or any other
fee required in connection with this
paper, to Account No. 06-1378.

The requirement set forth in said NOTICE concerning the "Sequence Listing" will be responded to later during the term ending December 9, 2001.



Respectfully submitted,


HERBERT GOODMAN
Reg. No. 17,081

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HG/fs

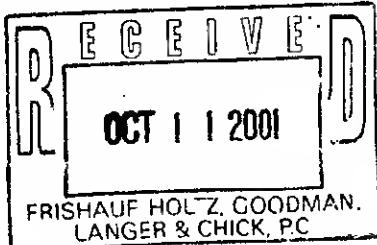


UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/836,705	04/17/2001	Yuki Abe	01149/HG

01933
 FRISHAUF, HOLTZ, GOODMAN &
 LANGER & CHICK, PC
 767 THIRD AVENUE
 25TH AVE
 NEW YORK, NY 10017-2023



CONFIRMATION NO. 7090

FORMALITIES LETTER



OC00000006862932

Date Mailed: 10/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

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- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov



*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE